

**ST. CHARLES PARISH  
BOARD OF ZONING ADJUSTMENT  
AUGUST 20, 2015  
7:00 P.M.**

**CALL TO ORDER  
PLEDGE OF ALLEGIANCE**

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**TABLED CASE:**

**1      ZBA-2015-22**

Requested by: **Jason Roberts** to allow a detached garage in the front yard on a corner lot at **402 Ormond Blvd., Destrehan.** Zoning District R-1B. Council District 3.

**PUBLIC HEARINGS:**

**9      ZBA-2015-24**

Requested by: **Harold McElveen** to reduce the required rear setback from 10 ft. to 0 for a detached carport at **856 Apple St., Norco.** Zoning District C-3. Council District 6.

**16     ZBA-2015-25**

Requested by: **Joe Ancona** to waive the requirement for hard surface driveways and parking spaces for a camp ground at **10061 Highway 90, Luling.** Zoning District C-3. Council District 2.

**OLD BUSINESS**

**NEW BUSINESS**

**MINUTES – June 18, 2015, July 16, 2015**

**ADJOURN**



V.J. ST. PIERRE, JR.  
PARISH PRESIDENT

MICHAEL J. ALBERT, AICP  
PLANNING DIRECTOR

# ST. CHARLES PARISH

## DEPARTMENT OF PLANNING & ZONING

14996 RIVER ROAD • P.O. BOX 302, HAHNVILLE, LOUISIANA 70057

(985) 783-5060 • Fax: (985) 783-6447

Website: [www.stcharlesparish-la.gov](http://www.stcharlesparish-la.gov)

June 23, 2015

Jason Roberts  
402 Ormond Blvd.  
Destrehan, La 70047

Dear Mr. Roberts,

This letter is to inform you permit #28709-15 to permit a detached garage 402 Ormond Blvd. Destrehan, zoning district R-1B has been rejected. This permit cannot be issued for the following reasons according to the St. Charles Code of Ordinances, Appendix A., Section VI. B. [III] 2.b.3

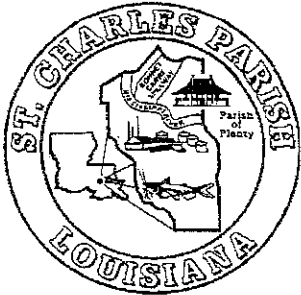
1. The proposed site plan indicates a detached garage will be placed in the front yard of a corner lot at 402 Ormond Blvd., Destrehan.

Please contact the Permit Section of the Planning Department at (985-783-5060) with any questions.

Sincerely,

Michael Albert, AICP,  
Director

RAK/rk  
cc: file



PARISH OF ST. CHARLES  
DEPARTMENT OF PLANNING AND ZONING

P.O BOX 302 • HAHNVILLE, LOUISIANA 70057  
( 985 ) 783-5060 • FAX ( 985 ) 783-6447

APPLICATION FOR PUBLIC HEARING  
ZONING BOARD OF ADJUSTMENT

App rev. 01/13

ZBA CASE#: ZBA 2015- 22

DATE SUBMITTED: 6.23.15

RECIEPT#: \_\_\_\_\_

ZONING DISTRICT R1B

\* APPLICANT NAME Jay & Jodi Roberts \*PHONE # 504-939-4210  
\* ADDRESS 402 Grand Blvd \*EMAIL ADDRESS weckdivefjay@yahoo.com  
\* OWNER(s) NAME Jay & Jodi Roberts \*PHONE # 504-939-4210  
\* ADDRESS 402 Grand Blvd \*EMAIL ADDRESS .. ..  
\* MUNICIPAL ADDRESS OF SUBJECT: 402 Grand Blvd Dextreux, LA 70047  
SUBDIVISION NAME: \_\_\_\_\_  
SQUARE #: \_\_\_\_\_ LOT: \_\_\_\_\_  
PROPERTY IDENTIFICATION # (FROM ASSESSOR'S OFFICE): \_\_\_\_\_  
ACREAGE OR PROPERTY SIZE (SQUARE FEET): \_\_\_\_\_  
FLOODPLAIN DESIGNATION: \_\_\_\_\_  
PRESENT USE OF PROPERTY AND STRUCTURES THEREON: Single Family Residence  
CONTEMPLATED USE: \_\_\_\_\_  
HAS ANY PREVIOUS APPLICATION BEEN MADE TO THE ZBA RELATIVE TO THE SUBJECT PROPERTY?  
YES ☐ NO ☒ IF YES, PLEASE EXPLAIN \_\_\_\_\_

The Zoning Board of Adjustments may grant variances if the requirements imposed St. Charles Parish Code of Ordinances have caused a hardship or practical difficulty to an applicant's property.

PLEASE NOTE: The ZBA may not grant variances on claims based solely on financial difficulty or by an act of the applicant/owner which is regarded as self-created.

INITIAL THE APPROPRIATE CONDITION(S) WHICH APPLIES TO THIS PROPERTY;

- ☐ Exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations.
- ☐ Exceptional topographic conditions;
- ☒ Other extraordinary and exceptional situation or conditions of the property.
- ☐ Peculiar and exceptional practical difficulties

The Zoning Board of Adjustments will grant variances when it is satisfied that the following conditions have been met:

1. ✓ That strict adherence to the regulation for the property will result in a demonstrable hardship upon the owner as distinguished from a mere inconvenience.
2. ✓ The purpose of the variance is not based exclusively upon a desire to serve the convenience or profit of the property owner or other interested party or parties.
3. ✓ The granting of the variance will not be injurious to other properties or improvements in the neighborhood in which the property is located.
4. ✓ The granting of the variance will not impair an adequate supply of light and air to adjacent property, increase substantially the congestion in the public street, increase the danger of fire or endanger public safety.
5. ✓ Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
6. ✓ Literal interpretation of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Ordinance.
7. ✓ The special conditions and circumstances do not result from the actions of the applicant or any other person who may have or had interest in the property.
8. ✓ Granting the variance requested will not alter the essential character of the locality.

9. Granting the variance requested will not confer on the applicant any special privileges which is denied by the Ordinance to other lands, structures, or buildings in the same district and of similar hardship and circumstances.
10. Granting the variance will not impair the public health, safety, morals, comfort, or welfare of the inhabitants of the Parish of St. Charles.

According the conditions stated above provide your written testimony explaining how your request for a variance meets these guidelines: (may submit on additional paper if needed)

see Attached

Applications may be authorized by the Board if it finds that:

1. The strict application of the zoning regulations would produce undue hardship.
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by granting of the variance;
3. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

CHECKLIST OF APPLICATION REQUIREMENTS:

- ☒ 1. Complete application, signed by applicant and/or appropriate property owners, and duly notarized. If property owner is a corporate entity, the application must be signed by an authorized corporate representative and must be accompanied by a corporate resolution.
- ☒ 2. Complete abutting property owner form (information can be obtained by Assessor's Office).
- ☐ 3. Surveys, maps, plats, photographs, and other record as may be necessary to show cause for a decision by the board. Site plan of affected property showing existing and proposed structures. Plan must show lot dimensions, existing structural dimensions, proposed structural dimensions, and appropriate setback distances.
- ☐ 4. Copy of the letter from the Department of Planning and Zoning rejecting the application.
- ☐ 5. Paid fee of \$50 for single family residential or \$100 for all other applications (checks/money orders made payable to the St. Charles Parish/Department of Finance).
- ☒ 6. Testimony of applicant relative to the application must be provided at the scheduled public hearing on cases.
- ☐ 7. Floodplain Variance Applications; such applications must be accompanied by a completed "Addendum to Application for Variance From Base Flood Elevation Requirements" form.

**OWNER'S ENDORSEMENT**

STATE OF LOUISIANA  
PARISH OF ST. CHARLES

Jim Roberts Being duly sworn, deposes and states (i) that he or she is the owners of the property described in this application; (ii) that all statements contained in this application are true to the best of his knowledge and belief; and (iii) that he or she authorizes the foregoing petition.

(Signature of owner)

Subscribed and sworn to before me this 23<sup>rd</sup> day of June, 20 15 in my office at Hahnville, Louisiana.

**RICHARD D. WHITNEY, JR.**  
**NOTARY PUBLIC**  
Parishes of St. Charles, Jefferson, Orleans,  
Plaquemines & St. Bernard  
State of Louisiana  
Commission Nos. 962946 & 062945  
My Commission is issued for Life.

(Signature of Notary Public)

(Seal)

We are fortunate to have a property that has a significant amount of frontage on Ormond Blvd. Our home is centered on this frontage. While the property is very wide, it is not terribly deep. We also have the benefit of a corner lot. This unfortunately causes us to have a "two front yard" determination from Planning & Zoning based on the current zoning code. Therefore our construction of a detached accessory building based on the current code requirements would mean that we would have to build this accessory building in the rear of our home, past the plane of the north-east facing side of our home. This would practically consume our entire back yard and would look and function terribly. The most practical location for the building is on the site plan as submitted.

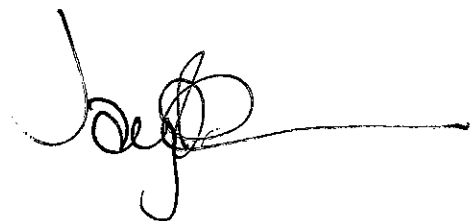
The site plan as submitted meets the front and side yard setback requirements for a residence facing Elmwood Court for my zoning district. Currently my entire north-east facing "front/side yard" is enclosed in a 6' privacy fence and 10'+- hedge wall. These enclosures have been in place for a long time with no objection from anyone.

In no way is my plan negatively impactful on the adjacent property owners or any other property in my zoning district. It will have no impact on lighting or air to adjacent properties. It will not substantially increase traffic, risk of fire or public safety. Nor will it impair the public health, safety, morals, comfort or welfare of the inhabitants of the Parish of St. Charles.

We have no profit motive but rather simply want to improve the property for the benefit of our family.

As stated above, our property has peculiar dimensions that magnify the hardship that the current zoning regulations regarding accessory building setback would impose on us. Literal interpretation of these requirements would destroy the functionality and aesthetic value of the property. Granting of the variance will not alter the essential character of the locality nor will it confer any special privileges to us which are denied of others.

We did not create this subdivision, build the original house nor did we have any part in crafting of the building code.

A handwritten signature in black ink, appearing to be 'Joe', with a long horizontal line extending to the right.

SQUARE FOOTAGE	
EXIST. 1ST. FLOOR LIVING	2232 SF.
EXIST. 2ND. FLOOR LIVING	1012 SF.
NEW SUNROOM	320 SF.
NEW PORCH	160 SF.
NEW PATIO	385 SF.
ADD 2ND. FLOOR LIVING	53 SF.
GARAGE	480 SF.
TOTAL LIVING	3619 SF.

WIND DESIGN SPEED IS 130 MPH.  
EXPOSURE B.  
HIGH WIND DESIGN STANDARD IS  
BASED ON THE 2012 IRC.

INDEX OF DRAWINGS:	
A-1	SITE PLAN
A-2	EXISTING FIRST FLOOR PLAN
A-3	EXISTING SECOND FLOOR PLAN
A-4	FIRST FLOOR PLAN
A-5	SECOND FLOOR PLAN
A-6	ELEVATIONS
A-7	ELEVATIONS
A-8	SECTIONS
A-9	FOUNDATION

# RENOVATION / ADDITION 402 ORMOND BLVD. ORMOND PLANTATION ESTATES ST. CHARLES PARISH, LOUISIANA

RATLIFF  
ARCHITECTS

800 MARINERS PLAZA DRIVE  
MANDEVILLE, LOUISIANA  
(985) 626-5236

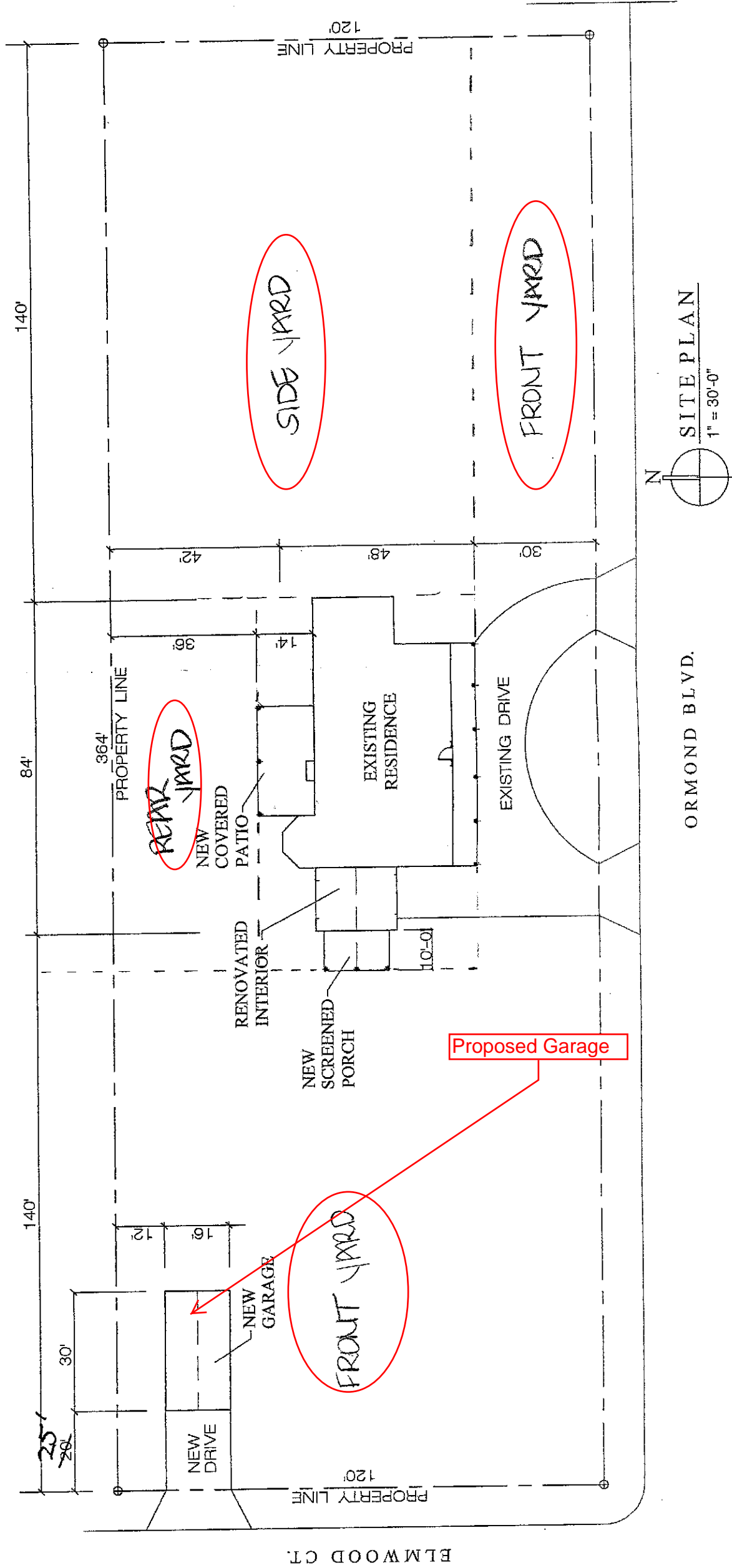


RENOVATION / ADDITION

402 ORMOND BLVD.  
ORMOND PLANTATION ESTATES  
ST. CHARLES PARISH, LOUISIANA

MAY 27, 2015  
JOB # 20-15

SHEET:  
**A-1**  
1 OF 9



**St. Charles Parish  
Department of Planning & Zoning**

# LAND USE REPORT

**CASE NUMBER: ZBA-2015-22**

## GENERAL APPLICATION INFORMATION

**◆ Name/Address of Applicant:**

Jason Roberts  
402 Ormond Blvd.  
Destrehan, LA 70047

◆ **Location of Site:**

402 Ormond Blvd., Destrehan, La

◆ **Requested Action:**

To allow a detached accessory structure in the front yard.

**◆ Purpose of Requested Action:**

### Construct a detached garage

## SPECIFIC SITE INFORMATION

◆ **Size of Parcel:**

43,680 sq. ft. (120' x 364')

◆ **Existing Zoning:**

R-1B

### ◆ Surrounding Land Uses and Zoning:

Residential

◆ **Utilities:**

Standard utilities service the site.

### Floodplain Information:

A99 DFRIM X

**APPLICABLE REGULATION:**

Appendix A Section XIII F., states the conditions that allow ZBA to vary yard setback regulations. The regulations state, “Vary the yard regulations where there is an exceptional or unusual physical condition of a lot, which condition is not generally prevalent in the neighborhood and which condition when related to the yard regulations of this ordinance would prevent a reasonable or sensible arrangement of buildings on the lot.”

## APPLICABLE CODE REGULATION

St. Charles Code of Ordinances, Appendix A., Section VI. B. [III] 2.b. (2)

Minimum yard sizes:

- (1) Front—twenty (25) feet
- (2) Side—five (8) feet.
- (3) Rear—twenty (25) feet

**Residential accessory buildings are allowed only in the side and rear yards on properties developed with a residential dwelling.**

43.5. Lot frontage: That required part of a lot (lot line) abutting on an improved, public street or way. For the purposes of determining required yard sizes on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage; for the purposes of determining required yard sizes on lots fronting curvilinear streets, the length of the arc between the side lot lines shall be considered lot frontage. (Ord. No. 07-1-6, § I, 1-8-07)

## SUMMARY

1. On June 23, 2015 application for permit # 28709-15 to construct a detached garage at 402 Ormond Blvd., Destrehan, La., zoning district R-1B was denied because the proposed placement was located in the applicant's front yard.
2. The driveway and foundation were recently formed and concrete poured prior to applying for the construction permit. The foundation is 20' from the front property line.
3. The proposed placement of the accessory structure is in the front yard of a corner lot.
4. The property forms the southeast corner of Ormond Blvd. and Elmwood Court. This section of Ormond Plantation Estates contains acre sized lots.
5. Per code; all sides of a lot adjacent to streets shall be considered frontage. Therefore, all corner lots have 2 front yards a rear and a side yard. The rear yard is located on the opposite side of the main entrance to the dwelling.
6. Residential accessory buildings are allowed only in the side and rear yards on properties developed with a residential dwelling.
7. The lot contains a single family structure which is located in the center of the lot. The lot fronts 364' along Ormond Blvd.
8. The rear yard measures 84' wide towards the rear of the dwelling. The side yard measures 140' on the south or right side of the dwelling. This is the area where the garage could be permitted.
9. The lot also runs 120' along Elmwood Ct. with the house setback 140' from this front property line. This is the area the applicant wants to construct a 16' x 30' detached garage 25' from this front property line.
10. It should be noted all the houses which front Elmwood Court are placed with setbacks in excess of 100' (as estimated from aerials)
11. Applicant's written testimony cites the hardship is related to the lot's narrowness with a depth of 120'.

### Departmental Finding of Fact Based Upon Application for Variance:

1. As situated on a corner lot, there are special considerations for the layout and orientation of structures that must be considered.
2. Dual street access is a common aspect of corner lots in this neighborhood. Two other homes at this intersection have dual access however these instances have not required setback or yard variances.
3. The applicant has chosen this orientation rather than a southern orientation for the detached garage which could otherwise meet setback requirements.
4. The applicant's request would locate a subordinate structure along Elmwood street that would sit closer to the street than the residential primary structures along the entire street. The next adjacent structure on Elmwood Street is setback approximately 135' from the street.
5. A hedgerow and fence along Elmwood Street and adjacent to the neighboring property would limit the impact, however along Elmwood the plantings are in the Parish right of way. Public input should be considered as to how this barrier affects the impact on the neighboring property.

### Update:

1. Spoke to Jay Roberts on August 5, 2015 (2:00pm). He is currently preparing documentation to present at the next hearing.







# ST. CHARLES PARISH

## OFFICE OF THE PARISH PRESIDENT

P.O. BOX 302 • HAHNVILLE, LOUISIANA 70057  
(985) 783-5000 • Website: [www.stcharlesgov.net](http://www.stcharlesgov.net)

July 6, 2015

V.J. ST. PIERRE, JR.  
PARISH PRESIDENT

Harold McElveen  
856 Apple Street  
Norco, LA 70049

This letter is to inform you that permit # 28825-15 for a carport located at 856 Apple Street, Norco; zoning district C-3 cannot be granted for the following reason according to the St. Charles Parish Code of Ordinances Appendix A, Section VI. C. [IV.] 2.b.1

1. The submitted site plan for the building indicates the rear set back is 0' instead of the 10' requirement.

Please contact the Permit Section of the Planning Department at (985-783-5060) with any questions.

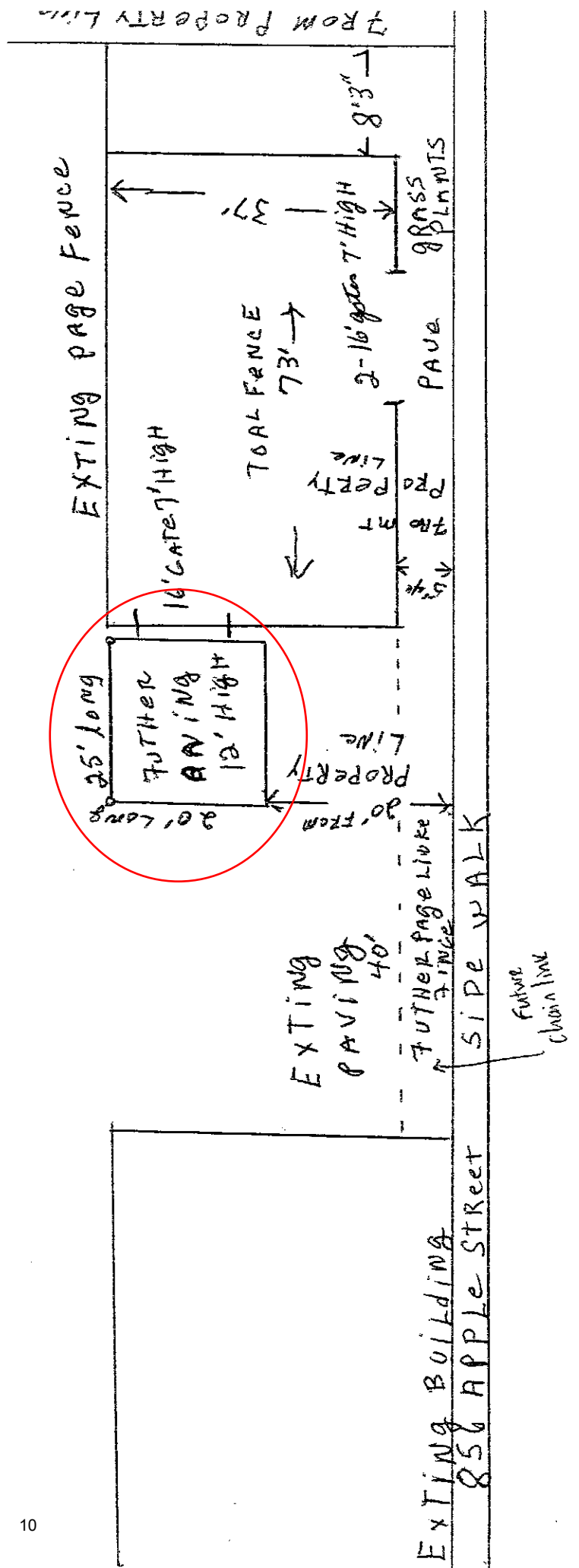
Sincerely,

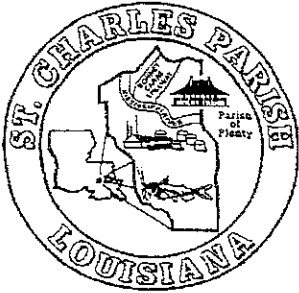
Michael Albert, AICP  
Director

MJA/rk

7/2/15

Proposed carport





PARISH OF ST. CHARLES  
DEPARTMENT OF PLANNING AND ZONING JUL 28 2015  
P.O BOX 302 • HAHNVILLE, LOUISIANA 70057  
( 985 ) 783-5060 • FAX ( 985 ) 783-6447

APPLICATION FOR PUBLIC HEARING  
ZONING BOARD OF ADJUSTMENT

App rev. 01/13

ZBA CASE#: 2015-24  
RECIEPT#: 7082

DATE SUBMITTED: 7.28.15  
ZONING DISTRICT C-3

APPLICANT NAME Harold McGlveen PHONE # 504.382.8178  
ADDRESS 856 1/2 Apple St, Norco, LA 70079 EMAIL ADDRESS \_\_\_\_\_  
OWNER(s) NAME \_\_\_\_\_ PHONE # \_\_\_\_\_  
ADDRESS \_\_\_\_\_ EMAIL ADDRESS \_\_\_\_\_

MUNICIPAL ADDRESS OF SUBJECT: \_\_\_\_\_

SUBDIVISION NAME: GOOD HOPE

SQUARE #: \_\_\_\_\_ LOT: E

PROPERTY IDENTIFICATION # (FROM ASSESSOR'S OFFICE): 652100800005

ACREAGE OR PROPERTY SIZE (SQUARE FEET): 9,000 SF

FLOODPLAIN DESIGNATION: X-Zone

PRESENT USE OF PROPERTY AND STRUCTURES THEREON: Commercial and residential

CONTEMPLATED USE: Same as above

HAS ANY PREVIOUS APPLICATION BEEN MADE TO THE ZBA RELATIVE TO THE SUBJECT PROPERTY?

☒ YES ☐ NO IF YES, PLEASE EXPLAIN 9/2014-requested variance for adjustment of front setback requirements for accessory structure — denied (ZBA-2014-07)

The Zoning Board of Adjustments may grant variances if the requirements imposed St. Charles Parish Code of Ordinances have caused a hardship or practical difficulty to an applicant's property.

PLEASE NOTE: The ZBA may not grant variances on claims based solely on financial difficulty or by an act of the applicant/owner which is regarded as self-created.

INITIAL THE APPROPRIATE CONDITION(S) WHICH APPLIES TO THIS PROPERTY:

- ☒ Exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations. ☒  
☐ Exceptional topographic conditions;  
☐ Other extraordinary and exceptional situation or conditions of the property.  
☐ Peculiar and exceptional practical difficulties

The Zoning Board of Adjustments will grant variances when it is satisfied that the following conditions have been met:

1. That strict adherence to the regulation for the property will result in a demonstrable hardship upon the owner as distinguished from a mere inconvenience.
2. The purpose of the variance is not based exclusively upon a desire to serve the convenience or profit of the property owner or other interested party or parties.
3. The granting of the variance will not be injurious to other properties or improvements in the neighborhood in which the property is located.
4. The granting of the variance will not impair an adequate supply of light and air to adjacent property, increase substantially the congestion in the public street, increase the danger of fire or endanger public safety.
5. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
6. Literal interpretation of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Ordinance.
7. The special conditions and circumstances do not result from the actions of the applicant or any other person who may have or had interest in the property.
8. Granting the variance requested will not alter the essential character of the locality.

9. Granting the variance requested will not confer on the applicant any special privileges which is denied by the Ordinance to other lands, structures, or buildings in the same district and of similar hardship and circumstances.
10. Granting the variance will not impair the public health, safety, morals, comfort, or welfare of the inhabitants of the Parish of St. Charles.

According the conditions stated above provide your written testimony explaining how your request for a variance meets these guidelines: (may submit on additional paper if needed)

I Would like the Variance to be reinstall in order to keep and protect by personal Vehicles from the Weather like not in use. Also to provide Weather protection for outside Family functions.

Applications may be authorized by the Board if it finds that:

1. The strict application of the zoning regulations would produce undue hardship.
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by granting of the variance;
3. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

CHECKLIST OF APPLICATION REQUIREMENTS:

- ☒ 1. Complete application, signed by applicant and/or appropriate property owners, and duly notarized. If property owner is a corporate entity, the application must be signed by an authorized corporate representative and must be accompanied by a corporate resolution.
  - ☒ 2. Complete abutting property owner form (information can be obtained by Assessor's Office).
  - ☒ 3. Surveys, maps, plats, photographs, and other record as may be necessary to show cause for a decision by the board. Site plan of affected property showing existing and proposed structures. Plan must show lot dimensions, existing structural dimensions, proposed structural dimensions, and appropriate setback distances.
  - ☒ 4. Copy of the letter from the Department of Planning and Zoning rejecting the application.
  - ☒ 5. Paid fee of \$50 for single family residential or \$100 for all other applications (checks/money orders made payable to the St. Charles Parish/Department of Finance).
  - ☒ 6. Testimony of applicant relative to the application must be provided at the scheduled public hearing on cases.
- Floodplain Variance Applications; such applications must be accompanied by a completed "Addendum to Application for Variance From Base Flood Elevation Requirements" form.

OWNER'S ENDORSEMENT


STATE OF LOUISIANA  
PARISH OF ST. CHARLES

HAROLD McELUEEN Being duly sworn, deposes and states (i) that he or she is the owners of the property described in this application; (ii) that all statements contained in this application are true to the best of his knowledge and belief; and (iii) that he or she authorizes the foregoing petition.

Harold McElueen  
(Signature of owner)

Subscribed and sworn to before me this 27th day of July, 2015 in my office at Kenner, Louisiana.

Roxana Guerra  
(Signature of Notary Public)

(Seal)  ROXANA GUERRA  
Notary Public  
Notary ID No. 127582  
Jefferson Parish, Louisiana



# St. Charles Parish

## Department of Planning & Zoning

### LAND USE REPORT

**CASE NUMBER: ZBA-2015-24**

#### **GENERAL APPLICATION INFORMATION**

- ◆ **Name/Address of Applicant:**  
Harold McElveen  
856 Apple Street  
Norco, La., 70049
- ◆ **Location of Site:**  
856 Apple Street, Norco
- ◆ **Requested Action:**  
To reduce the required rear yard property line from 10 ft. to 0' ft.
- ◆ **Purpose of Requested Action:**  
To construct a detached carport cover

#### **SPECIFIC SITE INFORMATION**

- ◆ **Size of Parcel:**  
9,000 sq. ft. (225' x 40')
- ◆ **Existing Zoning:**  
C-3
- ◆ **Surrounding Land Uses and Zoning:**  
Residential to the west. Commercial on the east and south side
- ◆ **Utilities:**  
Standard utilities service the site.
- ◆ **Floodplain Information:**  
AE +5

#### **APPLICABLE REGULATION:**

Appendix A Section XIII F., states the conditions that allow ZBA to vary yard setback regulations. The regulations state, "Vary the yard regulations where there is an exceptional or unusual physical condition of a lot, which condition is not generally prevalent in the neighborhood and which condition when related to the yard regulations of this ordinance would prevent a reasonable or sensible arrangement of buildings on the lot."

#### **APPLICABLE CODE REGULATION:**

St. Charles Code of Ordinances, Appendix A., Section VI. C. [IV] 2.b. (1)

Minimum yard sizes:

- (1) Front—twenty (20) feet
- (2) Side—five (5) feet.
- (3) Rear—ten (10) feet

#### **SUMMARY:**

1. On July 6, 2015 permit # 28825-15 for a detached carport at 856 Apple Street, Norco; zoning district C-3, was denied for improper rear yard setbacks. The proposed building will be located 0' from the rear property line; 10' is required.

2. Previously, on September 18, 2014 the applicant was denied a variance, ZBA 2014-07, involving a modular building with an attached carport. The modular was placed without a permit.
3. The applicant has removed the modular building.
4. On May 7, 2015 the Planning Commission approved a Special Permit Use, PZSPU-2015-10, to allow outdoor storage of vehicles and equipment related to the applicant's plumbing business.
5. A solid metal fence has been erected around the storage area.
6. The proposed carport will be located between the outdoor storage area and the applicant's existing building.

Departmental Finding of Fact Based Upon Application for Variance:

1. The property contains a nonconforming structure which is located on a narrow lot. The lot is 40' deep and contains a 30' wide building. The building is on the rear property line. This is a unique condition on the property when compared to other commercial properties fronting on Apple Street
2. No documentation has been presented demonstrating that enforcement of the Ordinances would deprive the applicant of commonly enjoyed rights in the same district.
3. The special conditions and circumstances of the lot and building do not result from actions of the applicant. The applicant purchased the property in this condition.
4. The request would confer a special privilege onto the property but would not alter the character of the neighborhood.
5. The applicant has not demonstrated that the proposed structure will not cause negative impact to the abutting property.
6. Alternate locations were not mentioned; however they are limited on the property due to the narrowness of the 40' deep lot.









V.J. ST. PIERRE, JR.  
PARISH PRESIDENT

MICHAEL J. ALBERT, AICP  
PLANNING DIRECTOR

# ST. CHARLES PARISH

## DEPARTMENT OF PLANNING & ZONING

14996 RIVER ROAD • P.O. BOX 302, HAHNVILLE, LOUISIANA 70057

(985) 783-5060 • Fax: (985) 783-6447

Website: [www.stcharlesparish-la.gov](http://www.stcharlesparish-la.gov)

July 29, 2015

Joe Ancona  
Dba Joe's Cabins  
4204 Newton Street  
Metairie, Louisiana 70001

Dear Mr. Ancona,

This letter is to inform you that your request to open a camp ground at 10061 Highway 90, Luling, zoning district C-3 has been rejected. This permit cannot be issued because the proposed camp ground will be accessed by an unpaved driveway and parking spaces instead of hard surface per St. Charles Code of Ordinances, Appendix A., Section VIII., Site Design Requirements.

Please contact the Permit Section of the Planning Department at (985-783-5060) with any questions.

Sincerely,

Michael Albert, AICP  
Director

MJA/rk  
cc: file



Parish of St. Charles  
Department of Planning and Zoning  
P.O. Box 302 • Hahnville, Louisiana 70057  
( 985 ) 783-5060 • Fax ( 985 ) 783-6447

APPLICATION FOR PUBLIC HEARING  
ZONING BOARD OF ADJUSTMENT

App rev. draft

ZBA Case #: 2015-25 Property Identification #: 250000001092 Date submitted: 7/29/15  
Receipt #: 3256 Flood Zone: AE-5 Zoning District: C-3  
Applicant name JOE ANCONA Phone # 504-810-2101  
Mailing Address 4204 NEWTON ST. METairie 70001 Email Address ANCONASGym & AOL. Com  
Owner(s) Name JOE MARCULO Phone # 504-578-0716  
Mailing Address 2709 RIDGELAKE #100 Met 70002 Email Address JCM & NOCOXMAIL.COM  
Municipal Address of Request 10061 US HIGHWAY 90 LULING, LA 70070  
Subdivision Name: \_\_\_\_\_  
Square # \_\_\_\_\_ Lot # \_\_\_\_\_ Property sq. ft. 3/4 ACRE  
Describe the variance being applied for: hard surface driveways + parking spaces  
Code Section being appealed: App. A Sect. VIII

The Zoning Board of Adjustment's duty is to hear and decide request for variances from zoning regulations in which the applicant feels adherence to the regulation will cause an undue hardship or practical difficulty and not just a mere inconvenience. The Board bases their decision on the following criteria. Please respond to all of the following questions. You may submit on separate paper if necessary.

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district.

-What condition exists on this property or structure which does not exist on other property or structures in the zoning district? MANY OTHER PROPERTIES IN AREA

ARE ALSO NOT PAVED

2. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

-Does the enforcement of the ordinance deprive you of rights enjoyed by other properties in the zoning district? If yes, list reasons? \_\_\_\_\_

EVERY OTHER BUSINESS IN IMMEDIATE AREA IS GRAVELED

3. The special conditions and circumstances do not result from the actions of the applicant.

-Did you cause the condition to your property or structure? \_\_\_\_\_

ROAD WAS PRE-EXISTING

4. Granting the variance requested will not confer on the applicant any special privilege which is denied by this Ordinance to other lands, structures or buildings in the same district or similarly situated.

-Will granting this variance allow you a special privilege which the Ordinance denied to other lands or structures in the zoning district? \_\_\_\_\_

5. The variance, if granted, will not alter the essential character of the locality.

-Explain how this variance will not alter the essential character of the neighborhood. PIER 90

FISHING DOCK, PIERS & MARINA ARE ALL GRAVELED

6. Strict adherence to the regulation by the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.

-Explain how adherence to the regulation creates a hardship rather than an inconvenience. IT SEEMS

UNNECESSARY WHEN ROAD WILL BE MOVED.

7. The request for the variance is not based primarily upon a desire to serve the convenience or profit of the property owner or other interested party(s). Financial hardships shall not be considered as valid criteria for any such variance to existing regulations.

- Explain alternative construction plans which may be less convenient but adhere to the regulations.

Financial hardship is not valid criteria to allow variances. ROAD WILL BE MOVED DURING PHASE 2  
& PAVED LATER IF NECESSARY

8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

a) -Could the requested variance endanger, inconvenience, or cause a nuisance for neighboring properties? How will you mitigate any potential effect? IT WILL NOT ENDANGER,

INCONVENIENCE, OR CAUSE A NUISANCE. BY ENFORCING RULES & REGULATIONS!

9. Granting the variance requested will not confer on the applicant any special privileges which is denied by the Ordinance to other lands, structures, or buildings in the same district and of similar hardship and circumstances.
10. Granting the variance will not impair the public health, safety, morals, comfort, or welfare of the inhabitants of the Parish of St. Charles.

According the conditions stated above provide your written testimony explaining how your request for a variance meets these guidelines: (may submit on additional paper if needed)

See attached

Applications may be authorized by the Board if it finds that:

1. The strict application of the zoning regulations would produce undue hardship.
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by granting of the variance;
3. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

CHECKLIST OF APPLICATION REQUIREMENTS:

- ☒ 1. Complete application, signed by applicant and/or appropriate property owners, and duly notarized. If property owner is a corporate entity, the application must be signed by an authorized corporate representative and must be accompanied by a corporate resolution.
- ☒ 2. Complete abutting property owner form (information can be obtained by Assessor's Office).
- ☒ 3. Surveys, maps, plats, photographs, and other record as may be necessary to show cause for a decision by the board. Site plan of affected property showing existing and proposed structures. Plan must show lot dimensions, existing structural dimensions, proposed structural dimensions, and appropriate setback distances.
- ☐ 4. Copy of the letter from the Department of Planning and Zoning rejecting the application.
- ☐ 5. Paid fee of \$50 for single family residential or \$100 for all other applications (checks/money orders made payable to the St. Charles Parish/Department of Finance).
- ☐ 6. Testimony of applicant relative to the application must be provided at the scheduled public hearing on cases.
- ☐ 7. Floodplain Variance Applications; such applications must be accompanied by a completed "Addendum to Application for Variance From Base Flood Elevation Requirements" form.

**OWNER'S ENDORSEMENT**

STATE OF LOUISIANA  
PARISH OF ST. CHARLES

Joseph C. Marcella, AS President of Marsh Investment Corporation Being duly sworn, deposes and states (i) that Marsh Investment Corporation is the owners of the property described in this application; (ii) that all statements contained in this application are true to the best of his knowledge and belief; and (iii) that he or she authorizes the foregoing petition.

Marsh Investment Corporation: Joseph C. Marcella  
(Signature of owner) by Joseph C. Marcella  
Marsh Investment Corp

Subscribed and sworn to before me this 28 day of July, 20 15 in my office at Jefferson Parish, Louisiana.

[Signature]  
(Signature of Notary Public)

(Seal)



**MICHAEL G. SHERMAN, ESQ.**  
**NOTARY PUBLIC**  
**ID NO. 87002**  
**MY COMMISSION IS FOR LIFE.**

According the conditions stated above provide your written testimony explaining how your request for a variance meets these guidelines: (may submit on additional paper if needed)

ALL BUSINESS IN IMMEDIATE AREA IS ALL ~~PAVED~~ GRAVEL.  
ALSO UPON PHASE II THE ROAD WILL BE  
MOVED TO ACCOMMODATE FOR THE WILDLIFE +  
FISHERIES BUILDING. WE WILL COMENT + PAVE  
AS NEEDED AFTER ROAD IS REROUTED FOR  
PHASE 2 + 3.









Linfield, Hunter & Junius, Inc.

Option #2

Proposed Future Phases



# Pier 90 Boat Launch

(54) PROPOSED UNITS



# St. Charles Parish

## Department of Planning & Zoning

### LAND USE REPORT

**CASE NUMBER: ZBA-2015-25**

#### **GENERAL APPLICATION INFORMATION**

- ◆ **Name/Address of Applicant:**  
Joe Ancona  
4204 Newton Street  
Metairie, La., 70001
- ◆ **Location of Site:**  
10061 Highway 90, Luling
- ◆ **Requested Action:**  
To allow unpaved driveways and parking spaces

#### **SPECIFIC SITE INFORMATION**

- ◆ **Size of Parcel:**  
0.75 acres
- ◆ **Existing Zoning:**  
C-3
- ◆ **Surrounding Land Uses and Zoning:**  
Commercial zoning to the north containing a barroom, boat launch and used car lot. Vacant wetlands on the west and south sides
- ◆ **Utilities:**  
Electric and water are available. Sewer service will be private.
- ◆ **Floodplain Information:**  
AE +5

#### **APPLICABLE CODE REGULATION:**

St. Charles Code of Ordinances, Appendix A., Section VIII. Site Design Standards

A.2 Any area where off-street parking is provided (including additional parking areas that are not required by this ordinance) must be surfaced with permanent dust-free paving except for single-family residences in the O-L District which must be surfaced with appropriate materials.

1. B.4 Each parking space shall open directly upon an aisle or driveway which is connected to a street or alley by a paved driveway which affords ingress and egress for a vehicle without requiring another vehicle to be moved.

#### **SUMMARY:**

1. On May 6, 2015 a Cease and Desist Order was placed on the property located at 10061 Highway 90, Luling for placing 6 cabins, operating a campground, and illegal discharge of sewer waste into a navigable waterway without permits. Other violations included a large pile of debris containing asphalt shingles.
2. On May 11, 2015 the tenants of the cabins were vacated.
3. The property is zoned C-3 which allows the proposed project as “commercial recreational uses” (which is also allowed is C-2)
4. The applicant is working towards obtaining permits which includes Fire Marshall, Dept. of Health and Hospitals, building code and site design approval.
5. The site is located approximately 800 ft. south of Highway 90, across the borrow canal which parallels Highway 90. It is accessed via a gravel driveway which crosses a wooden bridge to the location.
6. The driveway and parking spaces are gravel. The Code of Ordinances Design Standards requires paved driveways and parking spaces.



7. The applicant on behalf of the property owner presented future plans which involve a total redevelopment of approximately 10 acres of ground.
8. The development will be bulk headed and include a restaurant/marina with 54 proposed “site built” raised camps with boat slips underneath.
9. According to the applicant the future development involves 3 phases which will have paved driveways and parking spaces.
10. It should be noted, no specific time frame has be presented are approved for the future phases.

Departmental Finding of Fact Based Upon Application for Variance:

1. The property contains special conditions which are peculiar to the land. The property is located over 750 feet from Highway 90, across a canal and surrounded by wetland.
2. Enforcement of the Ordinances would deprive the applicant of commonly enjoyed rights in the same area.
3. The special conditions of the land do not result from actions of the applicant. However, the circumstances of the buildings being placed and occupied without permits are from the actions of the applicant.
4. The request would not confer a special privilege onto the property.
5. The variance does not alter the character of the neighborhood.
6. Because this is a “pilot project” of temporary cabins for the future development, a hardship could be demonstrated and would be more than an inconvenience to the applicant to develop the future access driveway and parking at this time.
7. Historically, the applicant has not demonstrated that the proposed structure will not cause negative impact to the abutting property. However, the applicant is in the process of installing the proper sewer treatment plant, cleaning up the property and re-grading the access driveway.
8. Alternate locations were not considered by the applicant at the time of application.

